

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

KARINA RODRIGUEZ,

Defendant.

CASE NO. CR19-203RSM

ORDER DENYING MOTIONS FOR
RECONSIDERATION RE:
COMPASSIONATE RELEASE

This matter comes before the Court on the two letters filed by Defendant Karina Rodriguez, Dkts. # 747 and #749, interpreted by the Court as Motions for Reconsideration of the Court's prior Order, Dkt. #744, which denied Defendant's Motion for Compassionate Release.

Neither letter is labeled a motion. Both are addressed to the undersigned and seek a new ruling on the Court's prior Order. Both letters raise perceived errors in the Court's prior Order and attempt to introduce new evidence. Neither letter uses the word "reconsideration," cites the appropriate rule, nor contemplates a response from the Government.

Motions for reconsideration are disfavored. CrR 12(b)(13)(A). The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence. *Id.* A motion for reconsideration shall be plainly labeled as such. CrR 12(b)(13)(B). Failure to comply with this may in itself be grounds for denial of the motion. *Id.* No response to a motion for reconsideration shall be filed unless requested by the Court. CrR 12(b)(13)(C).

ORDER DENYING MOTIONS FOR RECONSIDERATION RE: COMPASSIONATE
RELEASE – 1

1 The Court finds that both Motions for Reconsideration are procedurally improper and can
2 be denied on that basis. In the interest of justice, the Court has reviewed the content of the letters
3 and determined that relief should also be denied because Ms. Rodriguez has failed to show
4 manifest error in the prior ruling or new facts or legal authority which could not have been
5 brought to the Court's attention earlier with reasonable diligence. The Court understands that
6 Ms. Rodriguez is scared about contracting COVID-19 a second time and has lingering symptoms,
7 including a loss of taste and smell. However, Ms. Rodriguez's subjective belief that her medical
8 conditions render her at heightened risk of harm from COVID-19 is not supported by sufficient
9 evidence and has been adequately addressed in the prior Order. The Court continues to find that
10 Ms. Rodriguez has failed to show a risk factor for COVID-19 sufficient to demonstrate
11 extraordinary and compelling reasons for a sentence reduction.
12

13 Ms. Rodriguez's new evidence of the conditions at FMC Carswell is outside the scope of
14 her original Motion and she has failed to exhaust administrative remedies for the filing of a new
15 motion for compassionate release. The Court has no reason to interpret the instant filings as new
16 motions for compassionate release. Even if Ms. Rodriguez were to refile, the Court would not
17 grant the requested relief based on the limited facts submitted.
18

19 Accordingly, having reviewed the Motions, along with the remainder of the record, the
20 Court hereby finds and ORDERS that Defendant's Motions for Reconsideration, Dkts. # 747 and
21 #749, are DENIED.
22

23 DATED this 28th day of November, 2022.

24 

25 RICARDO S. MARTINEZ
26 UNITED STATES DISTRICT JUDGE
27